UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
49th meeting
held on
Friday, 3 December 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 49th MEETING

Chairman:	Mr. KUKAN	(Slovakia)
later:	Mr. VAN DER HEIJDEN (Vice-Chairman)	(Netherlands)
later:	Mr. KUKAN	(Slovakia)

CONTENTS

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued)*

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

AGENDA ITEM 115: SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued)*

AGENDA ITEM 172: NECESSITY OF ADOPTING EFFECTIVE MEASURES FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN THROUGHOUT THE WORLD WHO ARE VICTIMS OF ESPECIALLY DIFFICULT CIRCUMSTANCES, INCLUDING ARMED CONFLICTS (continued)*

* Items considered together.

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.3/48/SR.49
8 February 1994

ORIGINAL: ENGLISH

93-82819 (E)

The meeting was called to order at 10.40 a.m.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued) (A/48/3, chap. VII.B; A/48/58-S/25024, A/48/63, A/48/68, A/48/74-S/25216, A/48/75-S/25217, A/48/77-S/25231, A/48/88-S/25310, A/48/93, A/48/94, A/48/113-S/25397, A/48/116, 120, 125, 136, 152, 174, A/48/176-S/25834, A/48/177-S/25835, A/48/181, 184, 201, A/48/203-S/25898, A/48/211, A/48/214, A/48/217-S/25986, A/48/222, A/48/261-S/26073, A/48/262, A/48/273, A/48/291-S/26242, A/48/294-S/26247, A/48/302, 307, 330, A/48/355-S/26390, A/48/357, 370, 394, A/48/395-S/26439, A/48/396-S/26440, A/48/401, 446, 484, 496, 564 and 643

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/48/210-E/1993/89, A/48/283, 340, 342, 425, 509 and Add.1, 510, 575, 576, 589 and 590; A/C.3/48/7 and 8)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/48/92-S/25341, A/48/261, A/48/274-S/26125, A/48/295, 298, 299, A/48/351-S/26359, A/48/387-S/26424, A/48/525, 526 and Add.1, 561, 562, A/48/570-S/26686, A/48/577, 578, 579, 584, 600 and Add.1, and 601; A/C.3/48/9, 13 and 17)

AGENDA ITEM 115: SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued) (A/48/82, 156, 208, 220, 223, 259 and 511; A/C.3/48/16)

AGENDA ITEM 172: NECESSITY OF ADOPTING EFFECTIVE MEASURES FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN THROUGHOUT THE WORLD WHO ARE VICTIMS OF ESPECIALLY DIFFICULT CIRCUMSTANCES, INCLUDING ARMED CONFLICTS (continued) (A/48/242; A/C.3/48/1/Add.1)

1. Mr. BOTEZ (Romania) said that the East-West and North-South polarities of the 1970s, had maintained opposing interpretations of the concepts of human rights. While the West had focused on the rights of the individual, the East had focused on the rights of the collective; and while the North had concentrated on civil and political rights, the South had been more concerned with economic and social rights. Many repressive regimes, Romania among them, had attempted to justify their own blatant violations of human rights by consigning ideological and social issues, which included human rights, to the sphere of "internal affairs", placing them beyond the reach of the world community.

2. With the end of the cold war, however, the opposition between the individual and the collective had ceased to be relevant. Theoretically, if the fulfilment of human rights was perceived as a continuous social and political process, it did not matter whether the political issues or the social and economic ones came first. If political rights were put first, clearly the socio-economic context could not be neglected: it had been many times proven that economic misery was the principal adversary of democracy and social decency. Western democracies, for example, which, in theory at least

(Mr. Botez, Romania)

traditionally respected political rights were involved in improving the quality of life of their citizens. If, on the other hand, economic and social rights were put first, ultimately civil liberties and political rights would have to be tackled so as to enable people to manage their comfortable lives, as recent democratic advances in a number of southern countries had demonstrated. Those two constructs were therefore equivalent, and the opposition between political and economic rights was false. All parties were thus theoretically in agreement, and, although it was important to acknowledge cultural distinctions, human rights were a universal concern. In the post-cold-war era, those values should cease to be considered divisive.

3. The transformation of human rights from a divisive to a cohesive issue called, above all, for transparency in the internal affairs of States. Indeed, the universal principle of non-interference in internal affairs should perhaps be modified, with the inclusion among the basic human rights of the right to live in a transparent society. In his view, transparency and open discussion were the best cures for suspicion and confrontation.

4. Before December 1989, the communist dictatorship in Romania had excelled in both the violation of human rights and the refusal to discuss those issues. Representatives of communist Romania had surely made statements for which he would now feel obliged to apologize. It was perhaps symbolic that the same seat was now occupied by an ex-antitotalitarian dissident and human rights activist. The democratic revolution had wholly changed Romania's approach to human rights: those principles now considered the theoretical and moral basis for its policy of democratic transition from a totalitarian to a free society. Although there were naturally individuals in Romania whose rights were being violated, as there were in all parts of the world, those violations were not part of a government conceived strategy. The new Romania, a transparent society, was willing to discuss openly any possible violations. Indeed, it based its optimism for the future of human rights on that fact.

5. Mr. Van der Heijden (Netherlands), Vice-Chairman, took the Chair.

6. Mr. SZELEI (Hungary), referring to items 114 (b) and (c), said that a euphoric mood of democracy, freedom and human rights had swept the globe only a few years before, but it had proved short-lived. Dictatorships, ultranationalism, intolerance, "ethnic cleansing", war crimes and abusive governmental policies had become dominant features of the contemporary world. Yet the international community seemed unprepared and at times unwilling to respond. Hungary welcomed the increased involvement of the Security Council in countering gross abuses of human rights, and commended the work carried out by the special rapporteurs and special representatives.

7. It condemned the abhorrent violations of human rights and humanitarian law in Bosnia and Herzegovina, and reiterated that the violators should be brought to justice under the mandate of the International Tribunal established by Security Council resolution 827 (1993). Hungary was alarmed by the flagrant

(Mr. Szelei, Hungary)

violations of human rights in Serbia, and in particular by the situation of the Hungarian community there. A well-orchestrated campaign of persecution and intimidation had driven tens of thousands of Hungarians from their ancestral land. In the view of Hungary, an international presence was indispensable to ensure respect for and observance of the human rights of all the endangered communities and minorities in that area. In that context, Hungary condemned the expulsion of the missions of the Conference on Security and Cooperation in Europe by Serbian authorities, and called for the early renewal of missions of long duration, as provided for in Security Council resolution 855 (1993).

8. Hungary likewise urged Iraq to put an end to its gross violations of human rights and to abide by its voluntarily undertaken international commitments in that area. In particular, it called on that country to account for and release all those who had been forcibly abducted from Kuwait, and welcomed the recommendation of the Special Rapporteur that a team of human rights monitors should be deployed throughout the country, especially in the southern marsh area.

9. Hungary continued to deplore the fact that the Cuban authorities refused to cooperate with the Special Rapporteur, and was concerned about the repressive policy of intimidating and persecuting defenders of human rights in Cuba. It was particularly disturbing that the government-controlled "rapid response brigades" assaulted human rights advocates in that country. Hungary called upon the Cuban authorities to halt violations of human rights and fundamental freedoms and guarantee due process of law.

10. The serious violations of human rights in Haiti were cause for grave concern. He condemned the executions, forced disappearances, torture, rape and denial of freedom of assembly and association and joined in a call for full implementation of the Governors Island Agreement to restore democracy in Haiti.

11. Although some small steps had been taken by the military authorities in Myanmar, the overall human rights situation was still alarming there. The military continued to commit grave violations of human rights, including the rights of minorities. Hungary condemned the torture, inhuman and degrading treatment, extrajudicial executions and persecution of ethnic and religious minorities by the Myanmar authorities and called for the unconditional release of political detainees, including the Nobel Peace Prize Laureate, Daw Aung San Suu Kyi. As long as the military rulers refused to transfer power to the elected representatives of the people of Myanmar, the situation must be kept under review.

12. The report on the situation of human rights in the Sudan (A/48/601) provided well-documented information on extrajudicial and summary executions, disappearances, torture and other cruel treatment, lack of due process of law and reprisals against those who had sought to contact the Special Rapporteur. Hungary urged the Government of the Sudan to comply with its human rights obligations under international law and called upon all parties to respect universally recognized norms of humanitarian law.

(Mr. Szelei, Hungary)

13. The overall situation in Afghanistan, particularly with regard to human rights, deserved close attention. Hungary fully concurred with the view of the Special Rapporteur that humanitarian law must be respected scrupulously in that country and supported his recommendations.

14. Lastly, he stressed the need for genuine participation by non-governmental organizations in the work of the various United Nations human rights bodies.

15. Mr. ABDELLAH (Tunisia) said that democratic transformations on the world scene had been accompanied by a revived interest in human rights. At the recent World Conference on Human Rights held in Vienna, the international community had renewed its commitment to those values, and had affirmed the relationship between civil and political rights and economic, social and cultural rights. Several issues had arisen in that forum, firstly, the existing human rights machinery clearly needed to be consolidated, the Centre for Human Rights should be allocated adequate funds to enable it to manage its expanded workload. Secondly, it was a matter of top priority to consider the establishment of a High Commissioner for Human Rights, who should be made responsible for coordinating existing mechanisms as well as for promoting and protecting human rights, a task which included both the elimination of human rights violations and the promotion of the right to development.

16. Firmly committed to human rights principles, Tunisia had undertaken to create a democratic State governed by the rule of law and founded in a civil, tolerant and open society in which individual and collective liberties could flower. Several significant human rights measures had been taken since the change of Government of November 1987, among them the release of political prisoners, the legalization of political parties and the elimination of emergency courts. Tunisia was also dedicated to the notion of infusing the society with a culture of human rights, and to working with non-governmental organizations for the protection and reinforcement of those principles. Furthermore, as a party to the International Covenant on Civil and Political Rights, it had recently recognized the competence of the Human Rights Committee, as provided for under article 41 of that instrument.

17. Tunisia endeavoured to guarantee the right to employment, health, education, housing, social welfare and freedom of expression and information, and to uphold the principle of non-discrimination. The realization of the indissolubly-linked goals of democracy and development was not, however, an easy task for developing countries, and the creation of an economic climate favourable to fundamental freedoms would require the solidarity of the international community. In that spirit, his delegation welcomed the establishment, by the Commission on Human Rights, of the working group to recommend ways and means towards the realization by all States of the right to development.

18. While the international community was dedicated to creating a democratic world, breaches of the most basic human rights continued to occur. Tunisia

(Mr. Abdellah, Tunisia)

denounced the "ethnic cleansing" and other inhuman practices perpetrated against the Bosnian Muslims, and urgently appealed to the international community to take measures to halt them. In conclusion, he observed that extremist movements engaged in terrorism and violence were the worst enemies of human rights, and the international community should take prompt and vigorous measures to combat that phenomenon.

19. Ms. FERTEKLİGİL (Turkey), speaking on item 114 (c), said that the ongoing tragedy in Bosnia and Herzegovina seemed to mark a sinister success for expansionism. The violations of human rights taking place there were of extreme gravity. "Ethnic cleansing" was nothing more than genocide and the international community must take appropriate action before disaster grew worse. Any additional delay would amount to an encouragement of human rights violations and would heighten the danger of the conflict spreading to other parts of the former Yugoslavia. The stakes in Bosnia and Herzegovina went beyond the survival of that State: they challenged hope for diplomacy's capacity to bring an end to war.

20. She regretted that the Special Rapporteur on the situation in the former Yugoslavia had not been invited to address the Committee. Her delegation wholeheartedly supported his condemnation of the crimes of sexual abuse of women in Bosnia and Herzegovina and, in that connection, had joined in sponsoring draft resolution A/C.3/48/L.51, entitled "Rape and abuse of women in the territory of the former Yugoslavia".

21. The human rights situation in other parts of the former Yugoslavia was also deteriorating. The discriminatory practices against the Albanian population of Kosovo must be firmly condemned and vigorous action must be taken to restore their human rights. Turkey was also concerned about human rights violations of the Muslim communities in Sandžak and Vojvodina. Serbian aggression, which had created a very serious precedent for regional and international security, must be stopped at all costs. All concentration camps must be closed and all detainees must be released. Protection of the civilian population must be reinforced, especially in the so-called safe areas, which were being mercilessly attacked by Serbian forces. Means of ensuring the delivery of humanitarian aid must be worked out to guarantee the survival of the civilians. Those committing crimes against humanity in the former Yugoslavia must be identified and brought to trial. Turkey welcomed the establishment of an International Tribunal under Security Council resolution 827 (1993). The Tribunal should begin its work as soon as possible.

22. If the debate on human rights in the United Nations was to preserve its credibility, more firmness and solidarity were needed. In order to establish a better world, the resort to force must have a price and crimes must not go unpunished. Turkey, for its part, was determined to pursue its action to alleviate the suffering of the people of Bosnia and Herzegovina and help to lay the foundations of peace.

(Ms. Fertekligil, Turkey)

23. On a final note, she expressed the hope that the situation in Kashmir would be resolved through the talks to be held between India and Pakistan early in the forthcoming year.

24. Mr. REZVANI (Islamic Republic of Iran), commenting on item 114 (c), said that, in view of the decision under Commission of Human Rights resolution 1991/82 not to refer the question of human rights in the Islamic Republic of Iran to the General Assembly, the reintroduction of the item under General Assembly resolution 47/146 required explanation, particularly since the visits of the Special Representative to the country had dispelled the myth of massive human rights violations there. Despite the progress towards human rights observance reported by the Special Representative, the Commission had subsequently adopted a resolution which departed unjustifiably from its predecessor, thus bringing an end to the period of mutually beneficial cooperation between his Government and the Commission. Regrettably, that had also occurred at a time when his country had expressed its willingness to continue its cooperation with the Special Representative. The unwilling attitude of the traditional sponsors of the resolution had precluded the possibility of constructive dialogue, while the resolution itself, which was politically motivated, had further tarnished relations.

25. The interim report on the situation of human rights in the Islamic Republic of Iran (A/48/526) was a deliberate attempt at fault-finding. It failed to address the evolution of the situation, and contained judgements unsupported by facts. Moreover, certain allegations merely reproduced propaganda disseminated by the Mojahedin-e Khalq terrorist organization. He pointed out that document A/48/526/Add.1 contained only part of his Government's responses to the Special Representative's memorandum, while the interim report failed to include all the material submitted by his Government, particularly concerning the recent activities of Mojahedin-e Khalq. Notwithstanding those omissions, however, the allegations had been fully investigated and commented on. The interim report should also have been distributed together with its addendum, which had instead been issued several days later.

26. His Government had consistently indicated since 1984 that the Special Representative should be familiar with Islamic precepts and jurisprudence. The admitted failure of the latter in that respect had caused him to misunderstand religious law and its enforcement in the Islamic Republic of Iran, and to draw mistaken conclusions. The Government, having spared no opportunity in drawing attention to that important aspect of the matter with a view to improving cooperation, despite the difficulties that had been created, had vainly pleaded for the situation to be considered objectively.

27. The interim report contained detailed allegations of attacks by his Government on Iranian citizens abroad, which the former categorically rejected as unproven, despite the impression to the contrary given in the report. The hasty addition of two further paragraphs to the draft resolution (A/C.3/48/L.58) smacked of orchestration; the universally recognized principle of innocent until

(Mr. Rezvani, Islamic Republic of Iran)

proved guilty apparently did not apply to his Government. Secondly, his country's imposition of capital punishment for drug-trafficking, which was a devastating menace, should not be regarded as a violation of individual rights. Thirdly, the unjustified blasphemy against the divine religion of Islam committed by the author, Salman Rushdie, was an issue of wide magnitude. It could not therefore be reduced to a question of freedom of expression, while the attempt to render the problem unique to the Islamic Republic of Iran was an act of distortion, opportunism and perjury, since all Islamic countries had condemned that author's apostasy. In short, his objection was that the interim report dealt with allegations in a manner which exceeded both the authorized mandate and the requirements for an objective consideration of the human rights situation in any country.

28. In his view, the preponderance of political motives was responsible for plaguing the human rights activities of the United Nations. Recalling the concern voiced in that regard at the Vienna Conference on Human Rights, he said that consideration of the human rights situation in his country probably demonstrated most vividly the lack of objectivity and the application of double standards in the interest of ulterior political motives. As pleasing as the lack of progress in cooperation between the United Nations and his country might be to certain quarters, his Government had reaffirmed that was prepared to cooperate fully with any international investigation of the situation inside Iran based on objective and transparent criteria.

29. He said that his delegation had restrained its exercise of the right of reply in the Committee's deliberations with a view to avoiding further politicization of the issue. Lastly, he noted with reluctance that draft resolution A/C.3/48/L.58 failed to represent a text which was conducive to cooperation, reflecting as it did the attitude of its sponsors.

30. Mr. Kukan (Slovakia) resumed the Chair.

31. Mr. ACHARYA (Nepal) said his delegation attached great importance to the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights and supported the basic human rights standards to be observed by all countries. Nepal was confident that a consensus could be achieved on the establishment of a High Commissioner for Human Rights, who should be impartial in promoting all human rights, and fully supported the ideas set forth in draft resolution A/C.3/48/L.45 put forward by the non-aligned countries in that connection. He also supported the initiative to strengthen the Centre for Human Rights to enable it to cope with the new human rights situation in the world.

32. The Nepalese Constitution guaranteed all human rights and fundamental freedoms. Nepal had ratified the Convention on the Rights of the Child and had recently enacted a law prohibiting the employment of children in factories, mines and other hazardous places. It hoped that the universal ratification of the Convention would be achieved by 1995. Nepal has also ratified the Convention on the Elimination of All Forms of Discrimination against Women and had set up programmes to ensure greater participation by women in development.

(Mr. Acharya, Nepal)

The education and training of women was designed to promote their empowerment in Nepalese society. His Government had also given special attention to the problems of the elderly and disabled persons. More than a third of the national budget was allocated to the social sector, which generally improved the situation of women, children and other disadvantaged groups.

33. Nepal had acceded to the principal international human rights instruments and was currently engaged in bringing its legislation into conformity with them. His country was sincerely committed to promoting fundamental freedoms, social justice and international peace and security. There was not a single political prisoner in Nepal and capital punishment had been abolished. Lastly, he urged the international community to cooperate in enhancing the enjoyment of both civil and political rights and economic, social and cultural rights since democracy, development and human rights were interrelated.

34. Mr. RODRIGUEZ PARRILLA (Cuba), speaking under items 114 (b) and (c), said that the Vienna Declaration and Plan of Action laid down the basic guidelines for a new United Nations platform of work in the sphere of human rights. The Vienna experience had also confirmed that agreements by consensus were the most effective way to achieve stable progress in human rights and that ill-intentioned attempts to use the issue as a means of intervening in the internal affairs of States led only to confrontation. The principle of sovereignty was the cornerstone of international law regarding relations between States. Erosion of that principle could not be accepted under any circumstances.

35. Cuba had supported the decision to establish a working group of the Third Committee to follow up on recommendations concerning the establishment of a High Commissioner for Human Rights. His delegation was surprised by unilateral attempts to derail that process; such attempts to hasten or impose any decision that was not the necessary and logical result of that process would only introduce new sources of friction and create fresh obstacles to the promotion and protection of human rights.

36. Cuba was valiantly struggling under difficult circumstances to preserve its achievements in the field of human rights, which benefited the large majority of the population, and to put into practice the Universal Declaration of Human Rights.

37. Cuba found it deplorable that some States had transformed the consideration of human rights into a political exercise against third world countries, contrary to the spirit and letter of international human rights instruments. According to some delegations from the North, the human rights situation in their parts of the world had nothing to do with activities in the South, yet they considered countries of the South to be guilty until proven innocent. Countries of the third world were being accused, while by historical right, they should be the accusers. The human rights of the countries of the South were

(Mr. Rodriguez Parrilla, Cuba)

systematically attacked by the countries of the North through a system of international relations that was unjust but was presented by the North as natural and equitable. Moreover, even in the societies of the North, serious human rights violations were committed.

38. In Europe, instances of racism, maltreatment of immigrants and the resurgence of the extreme right were disturbing trends, they reminded the world that the past might even repeat itself. Equally disturbing was the fact that in some European countries, national legislation did not provide for protection against discrimination, and existing provisions were inadequate to guarantee the rights of children such as those who were exploited in pornographic materials or placed in foster families.

39. In Hungary, there were alarming instances of violence against Gypsy communities and other disadvantaged sectors, and widespread brutality against both Hungarian nationals and foreigners in detention. Asylum-seekers were summarily expelled. In that same country, according to various sources of information, child pornography and prostitution had begun in an organized fashion. Meanwhile, in the Czech Republic, the Government of the self-proclaimed democrats had implemented discriminatory laws which banned persons from public office on the grounds of political beliefs.

40. In the United States, a profoundly discriminatory society denied the most basic rights to millions of African-Americans, Latin Americans, native Americans and Asians and to the most disadvantaged social sectors. Native American tribes had been implacably persecuted, exterminated or expelled from their ancestral lands; today, their descendants had to eke out an existence on Indian reservations.

41. The legal and prison system in the United States offered the most representative picture of the human rights situation in that country. Over 1 million inmates filled United States prisons, which had one of the highest indices of persons imprisoned and executed in the world. According to information from United States sources, the imprisonment rate among African Americans was seven times higher than that for white Americans. The prisons were overcrowded and inmates suffered maltreatment that had led to well-publicized protests and riots which had been brutally repressed by the authorities with considerable loss of life. It could be concluded that the United States legal system was one of the most repressive in the world and that such repression was carried out with special harshness against minorities and other disadvantaged groups. Furthermore, the United States authorities did nothing to guarantee the human rights of such persons. On the contrary, the system generated and maintained a situation characterized by massive and flagrant violations of human rights.

42. The United Nations should work to eliminate all such violations and achieve full respect for human rights. Cuba was convinced that the discriminatory

(Mr. Rodriguez Parrilla, Cuba)

treatment of human rights issues and their use to achieve political ends were contrary to the principles enshrined in the United Nations Charter and caused irreparable damage to the cause of human rights.

The meeting rose at 12.50 p.m.